IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23382 of 2003(H)

PETITIONER:

DR.P.N.SURESH KUMAR,
DIRECTOR (ON DEPUTATION)
INSTITUTE OF MENTAL HEALTH AND NEURO SCIENCES
MENTAL HEALTH CENTRE CAMPUS, KOZHIKODE- 673 016.

BY ADV. SRI.O.V.RADHAKRISHNAN,
SRI.DEVAPRASANTH.P.J.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DEPARTMENTAL PROMOTION COMMITTEE, (HIGHER) FOR SELECTION TO THE POST OF ASSISTANT PROFESSOR OF PSYCHIATRY, REPRESENTED BY ITS CONVENOR, THE SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

3. **DR.M.T.HARISH, LECTURER IN PSYCHIATRY MEDICAL COLLEGE, CALICUT.**

BY ADV. SRI.R.RAGHUKUMAR (ALUVA) FOR R3,
GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.23382/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROVISIONAL CERTIFICATE NO. 17528 DTD. 08/08/96 ISSUED BY THE REGISTRAR, RANCHI UNIVERSITY.

EXT.P.2: COPY OF THE SELECT LIST-I FOR THE YEAR 2002 AND THE SELECT LIST-II-GO (P). NO. 150/2002/H & FWD NOTIFICATION DTD. 28TH JUNE, 2002 OF THE R.2.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 19/07/2002 MADE BY THE R.3. TO THE SECRETARY TO GOVERNMENT, HEALTH AND FW.

EXT.P.4: COPY OF THE JUDGMENT IN O.P. NO. 25320/2002 (Y) DTD. 26/08/2002 OF THIS HONOURABLE COURT.

EXT.P.5: COPY OF THE NOTIFICATION DTD. 21/03/2003 PUBLISHED IN KERALA GAZETTE EXTRA ORDINARY DTD. 31/03/2003 OF THE R.2.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 14/04/2003 OF THE PETITIONER TO THE R.1.

EXT.P.7: COPY OF THE ORDER G.O. (RT). NO. 1782/02/H & FWD DTD. 01/08/2002 OF THE R.1.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.23382 OF 2003

Dated this the 27th day of July, 2007

JUDGMENT

The case of the writ petitioner is directly covered on facts and in law in his favour by the judgment dated 14.6.2007 in W.P (C).20878/03. Accordingly, this writ petition succeeds and the same is allowed declaring that the petitioner shall be senior to the 3rd respondent in the category of Assistant Professor and his selection by the DPC and inclusion in Ext.P2 select list will prevail and override the modification of the placement made as per Ext.P5. All consequential benefits on the basis of the aforesaid declaration shall duly follow. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.